

REMARKS

By this amendment, claim 36 has been cancelled and claims 27, 33, 37 and 38 have been amended. Claims 1-26 and 28-30 have been previously cancelled. Accordingly, claims 27, 31-35 and 37-48 are currently pending in the application, of which claims 27, 33 and 39 are independent claims.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 27, 31, 32, 36-38, 47 and 48 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Particularly, the Examiner stated that the limitations “the protrusion” and “the spacer” in line 10 of claim 27 should be replaced with --a protrusion-- and --a spacer”. This rejection is respectfully traversed because, in this response, claims 27 and 33 have been amended as suggested by the Examiner. Thus, withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 27, 31, 32 and 36-38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U. S. Patent Publication No. 2004/0075798 issued to Inoue, *et al.* (“Inoue”). Applicant respectfully traverses this rejection for at least the following reasons.

In this response, independent claim 27 has been amended to incorporate the certain limitations from allowed claim 39, which describes forming a protrusion on a black matrix

pattern. Thus, amended claim 27 now recites “wherein the protrusion overlaps the black matrix layer”. An example of this claimed feature is shown in 11, in which the protrusion 116 is overlapping the black matrix 112.

In this regard, Inoue shows the spacer 52 formed on the black matrix BM, but there is no black matrix BM formed under the protrusion 20. Thus, Inoue fails to disclose or suggest “wherein the protrusion overlaps the black matrix layer” as claimed in 27. Thus, it is submitted that claim 27 is patentable over Inoue. Claims 31, 32 and 36-38 are dependent from claim 27 and would be also patentable over Inoue at least for the same reason.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 27, 31, 32 and 36-38.

Claims 27, 31-38, 47 and 48 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication No. 2002/033927 by Mun, et al. (“Mun”). This rejection is respectfully traversed.

This application claims priority from Korean Patent Application No. 2000-58288 filed on October 4, 2000. Mun was filed in US on August 14, 2001. The priority date of the present application antedates the US filing date of Moon. Thus, Mun does not qualify as prior art under 35 U.S.C. §102(e).

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 27, 31-38, 47 and 48.

Double Patenting

Claims 27, 31-38 and 47-48 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-26 of Mun. This rejection is respectfully traversed at least for the following reasons.

With respect to claims 27, 31, 32 and 36-38, in this response, independent claim 27 has been amended to further recite “wherein the protrusion overlaps the black matrix layer”. Since this claimed feature is not disclosed or suggested in claims 12-26 of Mun, claim 27 and its dependent claims 31, 32 and 36-38 are patentable over Mun. Thus, withdrawal of the provisional rejection over 27, 31, 32 and 36-38 is respectfully requested.

With respect to claims 33-35, 47 and 48, Applicant herewith submits a terminal disclaimer to overcome this provisional double patenting rejection. Thus, withdrawal of the provisional rejection over claims 33-35, 47 and 48 is respectfully requested.


CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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ATTACHMENT: (a) English translation of a certified copy of the priority documents
(b) Statement verifying accuracy of the translation
(c) Terminal Disclaimer

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